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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,892	07/21/2000	Fatemah H. Akbarian	CLX-501	4785

7590 05/09/2002

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EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/09/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,892

Applicant(s)

AKBARIAN ET AL.

Examiner

Preeti Kumar

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 10-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 33-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-58 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-58 are pending.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9 and 33-58, drawn to a process/system for dry-cleaning a textile article, classified in class 8, subclass 116.1.
 - II. Claims 10-32, drawn to a fluid pre-treatment composition, classified in class 510, subclass 287.
3. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the the fluid pretreatment composition of Group II, can be used in a materially different process such as in cleaning hard surfaces.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Mr. Ray Shahani on April 9, 2002 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-9 and 33-58. Affirmation of this election must be made by the applicant in

replying to this Office action. Claims 10-32 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

6. Claim 54 is objected to because of the following informalities:

Regarding claim 54, it appears that this claim is a repetition of claim 43 and need not be included or examined as a separate claim. Appropriate corrections are required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 40 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 40, the phrase "and the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claims 40 and 41, the term "essentially" is a relative term which renders the claim indefinite. The term "essentially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 1-9, 33-36, 38-42 and 46-58 are rejected under 35 U.S.C. 102(b) as being anticipated by You et al. (WO 97/27354).

You et al. teach a fabric cleaning/refreshment process is conducted in a hot air clothes dryer using a vapor-releasing containment bag. The bag is constructed using heat-resistant polymers to avoid unanticipated hot spots in the dryer. The bag retains its integrity and can be reused in subsequent dry cleaning operations. Vapor is vented

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from the bag during use, thereby minimizing wrinkling in the clothes being cleaned and removing malodors therefrom. See abstract. You et al teach a vapor-venting containment bag which has a VVE (Vapor Venting Evaluation) rating of at least about 40, more preferably about 60-80, with about 70 being close to the optimum for the envelope bag. See pg.3, 2nd paragraph.

In example II on page 46, You et al. illustrate a process of using the fenestrated venting containment bag. You et al. teach a flat sheet of perforated flexible nylon polymer with a patch of Velcro® type fastener assembly with perforations comprising a series of 6 pairs of circular holes each having a diameter of about 2mm punched into each of the two sidewalls. See pg. 46, ex. II, 1st paragraph. You et al. teach that a sheet substrate is placed in the perforated bag having a volume of about 25,000cm³. You et al. teach that the preferred usage ranges will result in the use of bags having varying degrees of vapor release and that it is preferred to use about 6 pairs of 2mm hole or upto 15 pairs of 6mm diameter holes. See pg. 46, ex.II, 2nd paragraph.

In example I, on page 45, You et al. teach a dry cleaning article in sheet form for use in combination with the vapor-venting bag. A non-linting carrier sheet is prepared with the external surfaces of the sheet being damp but not tacky to the touch. See pg.45, ex.I. On pg. 42, You et al. teach that the hydrophobic character of the fibers used to manufacture such nonwoven or woven fibrous coversheets helps reduce the chances of water spotting during the dry-clean/spot-cleaning process.

You et al teach a process for cleaning/refreshing fabrics in a mechanical apparatus by placing said fabrics in a containment bag together with a

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cleaning/refreshment composition and operating said apparatus with heating, whereby employing a bag which provides venting of water vapors from the bag to release malodors and minimize wrinkling and fabric shrinkage. See pg. 60, claim 12 and pg. 44, item #8. You et al. also specifically teach a kit for cleaning fabrics containing a carrier which releasably contains water and optional non-water fabric cleaning ingredients and a vapor permeable containment bag. See pg.60, claim 15 and pg.47, example III.

Specifically regarding claims 2-4 and 55, 57-58, You et al. teach a spot removal (pre-spotting) composition comprising 1% Neodol surfactant, 0.0003 % Kathon preservative, 87% water and BPP solvent. See pg.21-22 and pg.48 ex.V. The pre-treatment step comprises treating the spots individually with conventional spot removers using conventional implements such as brushes, sponges and the like, or to surge into the fabric, a portion of the liquid cleaning/refreshment composition thereby effecting localized stain removal. The fabric and the cleaning/refreshment article are then placed in the vapor-venting containment bag herein and treated in the dryer. See ex.V (pg.48) and XI (pg.54) and pg. 6, items A and B.

Specifically regarding claims 40-42 and 56, You et al. teach that the stain removal medium should be substantially free of emulsifiers, anti-static agents, inorganic builder salts and surfactant levels should be about 0.1% to about 0.7%. See pg. 19, 2nd-3rd paragraphs.

Accordingly, the broad teachings of You et al. are sufficient to anticipate the material limitations of the instant claims.

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13. Claims 37, 43-45 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over You et al. (WO 97/27354).

You et al. do not specifically teach the use of a coform material as the absorbant stain removal medium, the required proportion of activator solution contained in the activator cloth and the other requisite components of the composition in the specific proportion as recited by the instant claims.

Regarding claim 37, You et al. teach that the absorbant stain receiver article can be manufactured using procedures known in the art for manufacturing nonwove, thermally bonded air laid structures comprising laying down a web of absorbent fibers. The preferred fibers can be polyethylene, polypropylene bicomponents used in constructing the absorbent stain receiver article. See pg. 30, 2nd paragraph and pg.31, 4th paragraph.

Regarding claims 43-45 and 54, You et al. teach that the carrier is intended to contain a sufficient amount of the cleaning/refreshment compositions to be effective for their intended purpose and illustrate that a typical single use polyester sheet will have a weight in the range from about 30 g/m² to about 100 g/m². And You et al. teach that the capacity of the carrier for the activator solution will vary according to the intended usage. See pg. 19, 2nd and 3rd paragraphs.

It would have been nonetheless obvious, to one of ordinary skill in the art, at the time the invention was made, to use a coform material as the absorbent stain removal medium, since the broad teachings of You et al. teach the use of polyethylene, polypropylene bicomponents in constructing the absorbent stain receiver article.

Also, it would have been nonetheless obvious, to one of ordinary skill in the art, at the time the invention was made, to arrive at the required proportion of activator solution contained in the activator cloth, since You et al. teach that the capacity of the carrier for the activator solution will vary according to the intended usage.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The specific references Weller et al. (US 5,908,473), Davis et al. (US 5,681,355), Storey et al. (4,784,892), and Telesca et al. (GB 2,302,553) are cited but not relied upon because the examiner considers them to be cumulative to and equally as pertinent as the reference relied upon.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

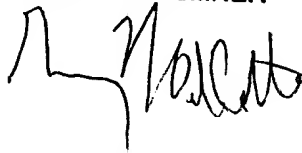
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Preeti Kumar
Examiner
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pk
May 6, 2002

GREGORY DELCOTTO
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "G. Delcotto", written over the printed name and title.